

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 family law and juvenile law.
- 4 Delete everything after the enacting clause and insert the following:
- 5 SECTION 1. IC 20-8.1-5.1-8 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The following are
- 7 the grounds for student suspension or expulsion, subject to the
- 8 procedural requirements of this chapter and as stated by school
- 9 corporation rules:
- 10 (1) Student misconduct.
- 11 (2) Substantial disobedience.
- 12 (b) The grounds for suspension or expulsion listed in subsection (a)
- 13 apply when a student is:
- 14 (1) on school grounds immediately before or during school hours,
- 15 or immediately after school hours, or at any other time when the
- 16 school is being used by a school group;
- 17 (2) off school grounds at a school activity, function, or event; or
- 18 (3) traveling to or from school or a school activity, function, or
- 19 event.
- 20 (c) **A superintendent or the superintendent's designee may send**
- 21 **written notice of the suspension or expulsion of a student under**
- 22 **this section to:**
- 23 **(1) the prosecuting attorney; or**
- 24 **(2) the office of family and children;**
- 25 **of the county in which the school corporation is located if there is**
- 26 **an agreement as described in IC 31-34-1-7.5(a)(2).**

SECTION 2. IC 20-8.1-5.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) In addition to the grounds specified in section 8 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property;

including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

**(b) A superintendent or the superintendent's designee may send written notice of suspension or expulsion of a student under this section to:**

- (1) the prosecuting attorney; or**
- (2) the office of family and children;**

**of the county in which the school corporation is located if there is an agreement as described in IC 31-34-1-7.5(a)(2).**

SECTION 3. IC 20-8.1-5.1-10, AS AMENDED BY P.L.123-2002, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-41-1-8. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 14 of this chapter, a student who is:

- (1) identified as bringing a firearm or destructive device to school or on school property; or
- (2) in possession of a firearm or destructive device on school property;

must be expelled for a period of at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case-by-case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 14 of this chapter, a student who is:

- (1) identified as bringing a deadly weapon to school or on school property; or
- (2) in possession of a deadly weapon on school property;

may be expelled for a period of not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the

1 law enforcement agency shall begin an investigation and take  
2 appropriate action.

3 (h) A student with disabilities (as defined in IC 20-1-6.1-7) who  
4 possesses a firearm on school property is subject to procedural  
5 safeguards under 20 U.S.C. 1415.

6 **(i) A superintendent or the superintendent's designee may send  
7 written notice of expulsion to the county:**

8 **(1) prosecuting attorney; or**

9 **(2) office of family and children;**

10 **in which the school corporation is located if there is an agreement  
11 as described in IC 31-34-1-7.5(a)(2).**

12 SECTION 4. IC 31-34-1-7.5 IS ADDED TO THE INDIANA CODE  
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2003]: **Sec. 7.5. (a) A child may be adjudicated a child in need of  
15 services if:**

16 **(1) the child is a student at an elementary or secondary school  
17 and is suspended or expelled under:**

18 **(A) IC 20-8.1-5.1-8;**

19 **(B) IC 20-8.1-5.1-9; or**

20 **(C) IC 20-8.1-5.1-10; and**

21 **(2) the:**

22 **(A) school corporation (as defined in IC 20-1-6-1);**

23 **(B) county office of family and children;**

24 **(C) prosecuting attorney; and**

25 **(D) judge of the court with juvenile jurisdiction;**

26 **have entered into an agreement under which a child described  
27 in subdivision (1) is referred to the juvenile court of the  
28 county in which the school corporation is located for  
29 determination of whether the child is a child in need of  
30 services as provided in this article.**

31 **(b) If a child is adjudicated a child in need of services under this  
32 section, the school corporation is responsible for the costs of all  
33 services ordered for the child (other than secure detention) and for  
34 the child's parent, guardian, or custodian under IC 31-40-1. The  
35 county may obtain reimbursement from the school corporation for  
36 the payment of those costs under IC 31-40-1-2(c).**

37 SECTION 5. IC 31-34-9-1 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1. (a) The prosecuting  
39 attorney or the attorney for the county office of family and children:**

40 **(1) may request the juvenile court to authorize the filing of a  
41 petition alleging that a child is a child in need of services; and**

42 **(2) shall represent the interests of the state at this proceeding and  
43 at all subsequent proceedings on the petition.**

44 **(b) A petition may not be requested under subsection (a)(1) for  
45 a child described in IC 31-34-1-7.5(a)(1) unless the prosecuting  
46 attorney or the attorney for the county office of family and  
47 children receives written notice of the child's suspension or  
48 expulsion from the school corporation.**

49 SECTION 6. IC 31-34-10-3 IS AMENDED TO READ AS  
50 FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. Before complying**

with the other requirements of this chapter, the juvenile court shall first determine whether the following conditions make it appropriate to appoint a guardian ad litem or a court appointed special advocate, or both, for the child:

- (1) If the child is alleged to be a child in need of services:
  - (A) under IC 31-34-1-6;
  - (B) under IC 31-34-1-10 or IC 31-34-1-11;
  - (C) due to the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with the necessary medical care; or
  - (D) because the location of both of the child's parents is unknown;

the court shall appoint a guardian ad litem or court appointed special advocate, or both, for the child.

- (2) If the child is alleged to be a child in need of services under:
  - (A) IC 31-34-1-1;
  - (B) IC 31-34-1-2;
  - (C) IC 31-34-1-3;
  - (D) IC 31-34-1-4;
  - (E) IC 31-34-1-5;
  - (F) IC 31-34-1-7; ~~or~~
  - (G) **IC 31-34-1-7.5; or**
  - (H) IC 31-34-1-8;

the court may appoint a guardian ad litem, court appointed special advocate, or both, for the child.

- (3) If the parent, guardian, or custodian of a child denies the allegations of a petition under section 6 of this chapter, the court shall appoint a guardian ad litem, court appointed special advocate, or both, for the child.

SECTION 7. IC 31-34-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. The juvenile court shall inform the parent or guardian of the estate that if the child is adjudicated a child in need of services:

- (1) the parent, guardian, or custodian of the child may be required to participate in a program of care, treatment, or rehabilitation for the child;
- (2) the parent or guardian may be held financially responsible for services provided for the parent, guardian, or child **unless the child is adjudicated a child in need of services under IC 31-34-1-7.5;** and
- (3) the parent, guardian, or custodian of the child may controvert the following:
  - (A) Allegations made at the child's dispositional or other hearing concerning the parent's, guardian's, or custodian's participation.
  - (B) Allegations concerning the parent's or guardian's financial responsibility for services that would be provided.

SECTION 8. IC 31-34-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a) A report is not required under this section if the child is alleged to be a child in**

1 **need of services under IC 31-34-1-7.5.**

2 (b) The probation officer or caseworker shall also prepare a  
3 financial report on the parent or the estate of the child to assist the  
4 juvenile court in determining the person's financial responsibility for  
5 services provided for the child or the person.

6 SECTION 9. IC 31-34-19-1 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. The juvenile court  
8 shall hold a dispositional hearing to consider the following:

9 (1) Alternatives for the care, treatment, rehabilitation, or  
10 placement of the child.

11 (2) The necessity, nature, and extent of the participation by a  
12 parent, a guardian, or a custodian in the program of care,  
13 treatment, or rehabilitation for the child.

14 (3) The financial responsibility of the parent or guardian of the  
15 estate for services provided for the parent or guardian or the child  
16 **unless the child is adjudicated a child in need of services**  
17 **under IC 31-34-1-7.5.**

18 SECTION 10. IC 31-40-1-2, AS AMENDED BY P.L.273-1999,  
19 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **Subject to subsection (c),** the  
21 county shall pay from the county family and children's fund the cost of:

22 (1) any services ordered by the juvenile court for any child or the  
23 child's parent, guardian, or custodian, other than secure detention;  
24 and

25 (2) returning a child under IC 31-37-23.

26 (b) The county fiscal body shall provide sufficient money to meet  
27 the court's requirements.

28 (c) **In the case of a child adjudicated a child in need of services**  
29 **under IC 31-34-1-7.5, the county is entitled to reimbursement of all**  
30 **payments made by the county under subsection (a)(1) from the**  
31 **school corporation that suspended or expelled the child.**

32 SECTION 11. IC 31-40-1-3, AS AMENDED BY P.L.273-1999,  
33 SECTION 120, IS AMENDED TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This section does not apply**  
35 **to the parent or guardian of the estate of a child adjudicated a**  
36 **child in need of services under IC 31-34-1-7.5.**

37 (b) A parent or guardian of the estate of a child adjudicated a  
38 delinquent child or a child in need of services is financially responsible  
39 as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any  
40 services ordered by the court.

41 ~~(b)~~ (c) Each parent of a child alleged to be a child in need of  
42 services or alleged to be a delinquent child shall, before a dispositional  
43 hearing, furnish the court with an accurately completed and current  
44 child support obligation worksheet on the same form that is prescribed  
45 by the Indiana supreme court for child support orders.

46 ~~(c)~~ (d) At:

47 (1) a detention hearing;

48 (2) a hearing that is held after the payment of costs by a county  
49 under section 2 of this chapter (or IC 31-6-4-18(b) before its  
50 repeal);

- 1 (3) the dispositional hearing; or  
2 (4) any other hearing to consider modification of a dispositional  
3 decree;

4 the juvenile court shall order the child's parents or the guardian of the  
5 child's estate to pay for, or reimburse the county for the cost of, services  
6 provided to the child or the parent or guardian unless the court finds  
7 that the parent or guardian is unable to pay or that justice would not be  
8 served by ordering payment from the parent or guardian.

9 SECTION 12. [EFFECTIVE JULY 1, 2003] **IC 31-34-1-7.5, as**  
10 **added by this act, applies to an act or omission resulting in**  
11 **suspension or expulsion only if the act or omission occurs after**  
12 **June 30, 2003.**

(Reference is to SB 36 as introduced.)

**and when so amended that said bill be reassigned to the Senate Committee on Judiciary.**

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GARTON

Chairperson